

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY

DSW

DATE 4/11/83

RDS[ ] or XDS[ ] TEXT. DATE

TS AUTH. REASON(S)

ENDORSE EXISTING MARKINGS ☐

DECLASSIFIED ☐ RELEASABLE ☒

RELEASE DENIED ☐

PA or FOI EXEMPTIONS

OCT 2 1987

Mr. Mario T. Noto  
Deputy Commissioner  
Immigration and Naturalization Service  
425 I Street, N.W.  
Washington, D.C. 20536

ATTENTION: Mr. Herbert Ebaugh

Dear Mr. Noto:

I regret the delay in replying to the letter of January 19, 1977 from Mr. James F. Greene, Deputy Commissioner of the INS, pertaining to the advisory opinions which the Department of State had made in a number of cases involving Polish nationals. In that letter, Mr. Greene indicated that the Chief Trial Attorney of the Board of Immigration Appeals had requested a clarification of a number of our recommendations against the forcible return to such Polish nationals since we had been unable to categorize such aliens as refugees but that, on the other hand, we did not believe they should be forcibly returned to Poland.

In addition to Mr. Greene's letter, we had also received letters from the Board of Immigration Appeals and various Immigration judges requesting a clarification of similar letters. In those cases, we had reevaluated the original asylum requests and had informed the Board of Immigration Appeals and the various Immigration judges of the result of that reevaluation. For your information the following is the substantive text of our replies:

"The record before us indicates that the applicant has either overstayed his authorized period of absence from Poland or has applied for asylum in the United States, or both. Moreover, the applicant admits to having committed anti-governmental acts against Poland or acts which he believes to be so."

"Polish authorities view with sharp disapproval those Poles who travel abroad as tourists and once in the place of destination apply for asylum in order to remain there permanently. While the traveler himself in such cases is beyond the jurisdiction of the Polish authorities, it is almost certain that if he is deported to Poland the consequences can be severe. Polish citizens who defect abroad are suspected of having engaged in treasonable activities and could be subject to maximum sentences provided by law should they be forcibly repatriated. Such penalties can be extremely severe. The fact of the asylum application alone can place them in jeopardy if they return to Poland."

"In our view these factors could constitute a real threat to the applicant if he were returned to Poland. These are risks to which we do not believe the applicant should be subjected. Accordingly we conclude that the circumstances in this case support a reasonable basis to fear persecution on return to Poland, that the applicant should be classified as a refugee and that he should not be forcibly returned to Poland."

I hope that this information clarifies our views regarding those cases and that this will be useful to you in replying to the Chief Trial Attorney.

Sincerely,

James L. Carlin  
Deputy Coordinator  
for Refugee and Migration  
Affairs